

S/N 10/807,832

Atty Dkt No. GP-303527/GM0462PUS

Remarks

This Reply is intended to be fully responsive to the Office Action mailed January 27, 2006.

The Examiner has rejected claims 1 and 8 under 35 U.S.C §102(b) as being anticipated by U.S. Patent No. 5,954,612 to Baxter. Reconsideration of this rejection is respectfully requested. The Examiner indicates that Baxter teaches "first and second clutches (62 and 64, respectively) connected with an input shaft (14)." Claim 1 of the present Application requires "first and second input clutches connected with an input member."

"Input clutch" is a commonly used term of art in the powertrain engineering field, which refers to a clutch that transfers input torque into a transmission or transfer case when engaged. The term "input" is taken from the source of power, i.e. an input shaft. Thus, an input clutch is typically a clutch attached to an input shaft, usually in a direct manner, but which may also transfer ratioed torque indirectly from the input gear set in a manner to allow input torque from an input shaft into the transmission or transfer case. An input clutch never brings an element to zero speed. Therefore, those skilled in the art would not describe clutch 62 as an input clutch. Supporting affidavits of persons having ordinary skill in the art are available if deemed necessary by the Examiner.

The U.S.P.T.O. has issued at least 682 patents since 1976 using the term "input clutch" in the specification, of which 182 employ the term in the claims. U.S. Patent No. 7,004,881; U.S. Patent No. 6,799,108; and U.S. Patent No. 6,766,705 are samples illustrating the common use of the "input clutch" limitation in claim language.

In contrast, the clutches 62 and 64 of Baxter are clearly not "input clutches connected with an input member". Clutches 62 and 64 are not "connected with an input shaft" and therefore cannot be "input clutches". Rather, Baxter's clutch 62 is provided to selectively ground the ring gear 42, and clutch 64 is provided to selectively connect the carrier 38 with the ring gear 42 (see column 4, line 33 – column 5, line 35 of Baxter). Neither clutch 62 or 64 is

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connected with an input shaft as required by independent claim 1. In the Response of Arguments, the Examiner states "the clutches 62 and 64 of Baxter can be considered 'input clutches' to the first or second axles. The clutches (62 and 64) are engaged with input 14 to provide input to the axles." However, as indicated above, "input clutch" is a well known term of art and would never be used to describe a clutch providing input to axles. Accordingly, independent claim 1 and dependent claim 8 are believed to be allowable for at least this reason.

Applicant notes with appreciation the indication of allowance of claims 9-13 and 16-19. The Examiner has also indicted that claims 2-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Accordingly, it is respectfully submitted that all pending claims are in condition for allowance, which action is requested.

Respectfully submitted,

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